

It was alleged in the libels that the article was misbranded in that the labeling contained false and fraudulent claims relative to its effectiveness in the treatment of bunions, distressed, suffering, aching, sore or swollen feet, inflamed tissues, soreness or inflammation, skin cracks, stiff, swollen, rheumatic joints, congestion or swelling, varicose veins, warts, and ground itch.

On July 6, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

22968. Adulteration and misbranding of Sulfox. U. S. v. 142 Bottles and 58 Bottles of Sulfox. Default decrees of condemnation and destruction. (F. & D. nos. 32543, 32544. Sample nos. 61721-A, 61800-A.)

This case involved a drug product that was labeled with unwarranted claims as to its curative and therapeutic properties. It was also claimed for the article that it contained sulphur and oxygen and would be effective in destroying germs, whereas it contained no free sulphur or free oxygen, and would not destroy germs.

On April 14, 1934, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 200 bottles of Sulfox at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce, in part on or about December 11, 1931, and in part on or about January 27, 1932, by the Sulfox Manufacturing Co., from Mansfield, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted of sulphur dioxide (not more than 0.3 percent), sulphuric acid (0.36 percent), ash (a trace), and water (more than 99 percent).

It was alleged in the libels that the article was adulterated in that its strength fell below the professed standard or quality under which it was sold, namely, (circular wrapped around the bottle) "Germ destroyer, * * * Its * * * Germ-Destroying Powers Destroys all Germs * * * Sulfox contains sulphur * * * and oxygen."

Misbranding was alleged for the reason that the following statements in the circular were false and misleading: "Germ destroyer * * * Its * * * Germ-Destroying Powers destroys all germs, * * * Sulfox contains sulphur * * * and oxygen." Misbranding was alleged for the further reason that the shipping container, bottle label, and circular contained false and fraudulent claims relative to its effectiveness to promote better health, keep the blood pure, regulate bowel action, purify the blood, destroy germs, and its effectiveness in stomach trouble, misery and torture at menstrual time, female trouble, boils, blood poisoning, sick stomach, pyorrhea, catarrh, throat trouble, etc., poor circulation, pollution of the blood stream, poisons of the system, diseases caused by the teeth, rheumatism, neuritis, nervousness, lumbago, catarrh, indigestion, stomach, kidney, bladder, heart, throat and lung trouble, torpid-liver, run-down condition, pyorrhea halitosis, sugar diabetes, sleeplessness.

On June 4, 1934, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22969. Misbranding of Fagisote. U. S. v. 12 Bottles of Fagisote. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32580. Sample no. 71305-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 25, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 bottles of Fagisote at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about April 12, 1934, by the McKesson-Langley Michaels Co., Ltd., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fagisote * * * Olivoint Chemical Company, Manufacturers and Distributors * * * San Francisco."